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January 16, 2024

VIA ECF

Hon. Mary Kay Vyskocil
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Advent International Corporation v. El-Mann Arazi, et al.*
S.D.N.Y. Misc. Case No.: 1:24-mc-00016-MKV

Dear Judge Vyskocil:

On January 12, 2024, Advent International Corporation (“Advent”) served its motion to compel compliance with certain subpoenas addressed to Andre El-Mann Arazi, Gonzalo Robina Ibarra, and Fibra Uno Administracion S.A. de C.V. (the “Fibra Uno Parties”). Local Civil Rule 6.1 states that for motions and applications under Federal Rules of Civil Procedure 26 through 37 and 45(d)(3), opposition papers shall be served within seven days after service of the moving papers and reply papers shall be served within two days after service of opposition papers. Local Civ. R. 6.1(a). For all other civil motions (other than petitions for writs of habeas corpus), the deadlines are fourteen and seven days, respectively. Local Civ. R. 6.1(b). Advent’s motion is ostensibly filed pursuant to Federal Rule of Civil Procedure 45(d)(2)(B)(i), which provides that a party serving a subpoena “may move the court for the district where compliance is required for an order compelling production or inspection,” though Federal Rule of Civil Procedure 37 cross-refers to Rule 45.

While Local Civil Rule 6.1(a) speaks only of motions pursuant to Federal Rule of Civil Procedure 45(d)(3), out of an abundance of caution the Fibra Uno Parties file this letter-motion requesting that the Court enter a deadline of January 26 for the Fibra Uno Parties’ answering papers and February 6 for Advent’s reply

January 16, 2024
Page 2

papers. Pursuant to the Court's Civil Practice Rule 2(G), the Fibra Uno Parties state as follows:

- i. The original due date, under a conservative reading of Local Civil Rule 6.1, is January 19, 2024. The Fibra Uno Parties request an extension of this deadline to January 26, 2024.
- ii. The Fibra Uno Parties have not previously requested an adjournment or extension of time.
- iii. N/A.
- iv. The Fibra Uno Parties request the current extension in order to have sufficient time to familiarize themselves with the sixty-plus exhibits attached to Advent's motion, request and receive further documents that Advent refers to in its papers but has not provided to date, and prepare responsive declarations as necessary.
- v. Advent consents to the requested extension, and has requested that its reply papers be due on February 6, 2024.

The Fibra Uno Parties appreciate the Court's consideration of this request.


Respectfully,



Beatrice Franklin

Granted. SO ORDERED.

Date: Jan. 18, 2024
New York, New York


Mary Kay Vyskocil
United States District Judge